

Applicant: Katsushi Ohizumi et al.
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REMARKS

This is in response to the Official Action currently outstanding in the above-identified application.

Claims 1-19, 22 and 25-30 were pending in the above-identified application at the time of the issuance of the currently outstanding Official Action. Claims 20, 21, 23 and 24 were canceled previously, without prejudice, by Preliminary Amendment. By the foregoing Amendment, Applicants have amended Claims 1, 26 and 28-30. No further claims are canceled or withdrawn. Accordingly, Upon the entry of the foregoing Amendment, Claims 1-19, 22 and 26-30 as hereinabove amended will constitute the claims under active prosecution in the above-identified application.

The claims of the above-identified application as they will stand upon the entry of the foregoing Amendment are reproduced above including appropriate status identifiers and showing the changes being made as required by the Rules.

In the currently outstanding Official Action, the Examiner has:

1. Again acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f) has been acknowledged, and reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents.
2. Re-acknowledged his acceptance of the formal drawings filed on, 13 December 2005.
3. Withdrawn the outstanding Final rejection of Claim 1 in view of Applicants' last Amendment and indicated that Applicants' argument has been considered but is deemed to be moot in view of the newly stated grounds of rejection in the currently outstanding non-final Official Action.

4. Rejected Claim 30 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Examiner suggests that due to the previous amendment of Claim 1, Claim 30 no longer finds appropriate antecedent bases for the terminology used therein in Claim 1. – **By the foregoing Amendment, Claim 30 has been amended so as to adopt the phraseology of Claim 1 and to further clarify the subject matter thereof. Applicants respectfully submit that this amendment overcomes the currently outstanding basis for the Examiner’s rejection of Claim 30 under 35 USC 112, second paragraph.**
5. Rejected Claims 28 and 29 under 35 USC 101 on the basis that the invention therein claimed is directed to non-statutory subject matter in view of the wording of the specification that according to the Examiner leaves open the possibility that the computer-readable medium claimed potentially could be construed as being directed to a signal that is non-statutory subject matter. **Applicants do not necessarily agree with the Examiner’s logic in this regard, but nevertheless in the interest of expediting the prosecution of this application have amended Claims 28 and 29 so as to utilize the terminology “non-transitory computer-readable medium’ as suggested by the Examiner. Hence, Applicants respectfully submit that the currently outstanding rejection under 35 USC 101 is overcome by the foregoing Amendment.**
6. Rejected Claims 1-11, 13, 19, 22 and 25-29 under 35 USC §103(a) as being unpatentable over Tsumagari (US Published Patent Application No. 2003/0161615) in view of Miwa et al (US Patent No. 6,553,179).

7. Rejected Claim 12 under 35 USC §103(a) as being unpatentable over Tsumagari in view of Miwa et al further in view of Evans et al. (US Patent No. 7,469,410).
8. Rejected Claims 14-18 under 35 USC §103(a) as being unpatentable over Tsumagari in view Miwa et al further in view of Proehl (US Patent No. 6,614,844).

No further comment regarding the remaining items 1-3 above is deemed to be required in these Remarks.

With respect to the remaining items listed above, however, Applicants have the following comments.

In the Miwa reference relied upon by the Examiner, user operation limitation information is multiplexed in (combined with) AV (audio/visual) data (see FIGs 5, 6D and 9A). On the other hand, in the present invention, time information is recorded in such a manner as to be separated from AV data (see FIG. 10). In this regard, Applicant respectfully calls attention to the present specification at Page 19, lines 2-14 (see also Page 48) wherein it is particularly pointed out that in a correlation information multiplexing situation with the scenes, the correlation information does not include the scene specifying information 22a as herein claimed.

Hence, with the structure of the present invention it is possible to freely add functions after the initial AV recording to any operational information at any time without the necessity of rewriting the AV data. This freedom is not present in (disclosed, taught or suggested by) the Miwa reference's disclosure. This is because the user operation limitation information is multiplexed in the AV data in Miwa thereby making it inseparable therefrom as recorded without rerecording.

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Consequently, Applicants respectfully submit that the Miwa disclosure would not have disclosed, taught or suggested to one skilled in the art at the time that the present invention was made the adding of an additional function(s) to the original functional capabilities as disclosed by the present specification.

Applicants therefore respectfully submit that despite the teachings, disclosures and suggestions in the art available at the time that the present invention was made, the art cited and relied upon by the Examiner is not sufficient in and of itself and/or in combination with the presumed knowledge of one of ordinary skill in the art at the time of the present invention (without the direction of Applicants' specification) to render the claims as hereinabove presented unpatentable. Hence, entry of the foregoing Amendment, reconsideration and allowance of the above-identified application as hereinabove amended in response to this submission is respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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David A. Tucker
SIGNATURE OF PRACTITIONER

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